

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-37-RJC**

In re:)	
)	
ERIK M. DUNLAP,)	
)	
Debtor.)	
<hr style="width:45%; margin-left:0"/>)	<u>ORDER</u>
)	
ERIK M. DUNLAP,)	
)	
Appellant,)	
)	
v.)	
)	
EDUCATIONAL CREDIT)	
MANAGEMENT CORPORATION,)	
)	
Appellee.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER comes before the Court sua sponte. Appellant Erik M. Dunlap (“Appellant”) filed his Notice of Appeal from Bankruptcy Adversarial Proceeding number 15-03150 on January 20, 2016. (Doc. No. 1; Bankr. Case No. 15-03150, Doc. No. 25). On January 29, 2016, Appellant filed his Designation of the Record on Appeal and Issues to be Presented on Appeal (“Designation”), and on February 9, 2016, he filed an Amended Designation. (Bankr. Case No. 15-03150, Doc. Nos. 32, 35). It appears, however, that Appellee Educational Credit Management Corporation (“Appellee”) has failed to file its designation of additional items to be included in the record. (Doc. Nos. 2, 3).

Federal Rule of Bankruptcy Procedure 8009(a)(1) requires an appellant to “file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within fourteen (14) days after the

appellant files his notice of appeal. Rule 8009(a)(2) provides that “the appellee may file with the bankruptcy clerk and serve on the appellant a designation of additional items to be included in the record.” Although not required to do so, Appellee has failed to file its designation of additional items, and the time for doing so has passed.

IT IS, THEREFORE, ORDERED that Appellee has **seven (7) days** from the entry of this Order within which to file its designation of additional items to be included in the record. If Appellee fails to do so within that time, this appeal will proceed on Appellant’s Designation. Furthermore, in the event Appellee fails to file its designation within seven (7) days, the Bankruptcy Court is directed to proceed with forwarding the record on appeal to this Court based upon Appellant’s Designation. The Clerk of Court is directed to advise the Bankruptcy Court of this Order.

Signed: March 29, 2016

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

